IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 12826 of 2004

Between:

V.Ravisekhar Naidu, S/o.Ramanujulu Naidu,
R/o.19-1-721, Bhavani Nagar, Tirupathi,Chittoor Dist.

..... PETITIONER

AND

1 The Govt. of A.P.,rep.by its Principal Secretary,Municipal Admn. & Urban .
Development Dept., Secretariat Buildings, Hyd.
2.The Vice Chairman, Tirupathi Urban Development Authority, Tirupathi, ...
Chittoor Dist.
3. M.Venkatreddy,Junior Assistant,Tirupathi Urban
Development Authority,Tirupathi,Chittoor Dist.
4 P.Bathi Reddy, S/o.Late Sidda Reddy,
Tirupathi Urban Development Authority, Tirupathi, Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more in the nature of writ of Mandamus declaring the order dated 29-8-2003 as made in OA No.5357/1993 of the Honourable Andhra Pradesh Administrative Tribunal as being illegal, arbitrary and consequently set aside the same.

Counsel for the Petitioner:MR.C.A.R.SESHAGIRI RAO

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2: Mr.K. BATHI REDDY

Counsel for the Respondent No.4: MR. P.RAGHAVENDER REDDY

The Court made the following :

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ORDER: **(Per the Hon'ble Sri Justice G.Bikshapathy)**

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This writ petition is filed challenging the order dated 29-8-2003 in O.A.No. 5357 of 1993 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

2. The matter relates to the promotion of the petitioner to the post of Junior Assistant/Deputy Surveyor. The Dispute arose between the petitioner and the 4th respondent. While the petitioner is holding the post of Deputy Surveyor, Respondent No.4 is claiming the post of Junior Assistant. The Tribunal after considering the respective claims, disposed of the O.A. with the following directions:

> *"In the circumstances, if the applicant is senior to the 4th respondent, his case has to be considered and he should be given posting as Junior Assistant. If there is no vacancy in the category of Junior Assistant, then the applicant should be posted as Deputy Surveyor, as he is senior to the 4th respondent. If any seniors are there, both to the 4th respondent and the applicant, their cases have to be considered first, before considering the case of the applicant. This exercise should be done and necessary orders should be passed within a period of six weeks from today, as per the above observations".*

3. It is also brought to the notice of this Court that the petitioner was promoted as Surveyor. Inasmuch as the 4th respondent claimed the post of Junior Assistant and as the Junior Assistant posts were not available, he was not promoted.

4. Accordingly, the Writ petition is disposed of directing the authorities to promote the 4th respondent as Junior Assistant in the existing vacancy, which will be available in due course of time.

5. With the above directions, the writ petition is disposed of. No order as to costs.

G.Bikshapathy,J

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P.S.Narayana,J.

13th April, 2005.

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Principal Secretary, The Govt. of A.P.,Municipal Admn. & Urban . . .
Development Dept., Secretariat Buildings, Hyd.
2.The Vice Chairman, Tirupathi Urban Development Authority, Tirupathi, ...
Chittoor Dist.
3.Two CCs to the Government Pleader for Municipal Administration and Urban .
Development Authority, A.P.High Court Buildings,Hyderabad.(OUT).

4. 2 CD copies

5. The Registrar, A.P.Administrative Tribunal, Hyderabad.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 12826 of 2004

13th April, 2005